

**SHELDON & MAK**  
**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

ATTORNEY DOCKET NO.: 13817-2

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verify believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: "Method for Tenderizing Chicken"

The specification of which

- a.    is attached hereto
- b. X was filed on October 16, 2001 application serial no. 09/982,569 and was amended on \_\_\_\_\_ (if applicable)  
 (in the case of a PCT-filed application) described and claimed in international no. \_\_\_\_\_ filed \_\_\_\_\_ and as  
 amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. X no such applications have been filed.
- b.    such applications have been filed as follows:

PROVISIONAL APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119(e)

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (expired, pending, abandoned)

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, §120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

David A. Farah, Reg. No. 38,134; Jeffrey G. Sheldon, Reg. No. 27,953; Denton L. Anderson, Reg. No. 30,153; Danton K. Mak, Reg. No. 31,695; Robert J. Rose, Reg. No. 47,037; Anthony G. Vella, Reg. No. 47,152; James W. Collett, 46,636; and Gary F. Wang, Reg. No. 44,392.

I hereby authorize them to act and rely on instructions from and communication directly with the person/assignee/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Sheldon & Mak to the contrary.

Please direct all correspondence in this case to Sheldon & Mak at the address indicated below:

Sheldon & Mak  
c/o David A. Farah, M.D.  
225 South Lake Avenue, 9th Floor  
Pasadena, California 91101  
Telephone No. (626) 796-4000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	FULL NAME FIRST Name OF INVENTOR  James	Middle Initial(s)  F.	LAST Name  Teran
201	RESIDENCE & City CITIZENSHIP  Highlands Ranch	State or Foreign Country  Colorado	Country of Citizenship  United States
	POST OFFICE Post Office Address ADDRESS  8972 Kittiwake Street	City  Highlands Ranch	State or Country  Colorado
			Zip Code  80126
202	FULL NAME FIRST Name OF INVENTOR	Middle Initial(s)	LAST Name
	RESIDENCE & City CITIZENSHIP	State or Foreign Country	Country of Citizenship
	POST OFFICE Post Office Address ADDRESS	City	State or Country
			Zip Code
203	FULL NAME FIRST Name OF INVENTOR	Middle Initial(s)	LAST Name
	RESIDENCE & City CITIZENSHIP	State or Foreign Country	Country of Citizenship
	POST OFFICE Post Office Address ADDRESS	City	State or Country
			Zip Code
	Signature of Inventor 201  <i>James Teran</i>	Signature of Inventor 202	Signature of Inventor 203
	Date  12/4/01	Date	Date

For Additional Inventors:  
Indicate here and attach sheet with same information, including date and signature.

## APPLICABLE STATUTES & RULES

### 37 C.F.R. § 1.56 - DUTY OF DISCLOSURE; FRAUD; STRIKING OR REJECTION OF APPLICATIONS

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

Information relating to the following factual situations enumerated in 35 U.S.C. § 102 and § 103 should be considered material under 37 C.F.R. § 1.56(a):

A person shall be entitled to a patent unless --

- (a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

### 35 U.S.C. § 103 - CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### 35 U.S.C. § 119 - BENEFIT OF EARLIER FILING DATE IN FOREIGN COUNTRY; RIGHT OF PRIORITY (Applicable Portion)

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed, but no patent shall be granted on any application for patent for an invention which has been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

### 35 U.S.C. § 120 - BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, by the same invention shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

### 35 U.S.C. § 112 - SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make use of the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Docket No.: 13817-2

FORM PTO-1566 (Modified)  
(Rev. 03-01)  
OMB No. 0851-0027 (exp. 6/31/2002)  
PG8A/REV03

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office**PATENTS ONLY**

Tab settings → → → ↓

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

James F. TERAN

Additional name(s) of conveying party(ies)

 Yes  No

## 3. Nature of conveyance:

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other _____	

Execution Date: December 4, 2001

## 4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.

09/982,569

Filing date

October 16, 2001

B. Patent No.(s)

 Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David A. Farah, M.D.Registration No. 38,134Address: 225 South Lake Avenue  
9th FloorCity: Pasadena State/Prov.: CaliforniaCountry: US ZIP: 911016. Total number of applications and patents involved: 7. Total fee (37 CFR 3.41): ..... \$ 40.00

Enclosed - Any excess or insufficiency should be credited or debited to deposit account

Authorized to be charged to deposit account

## 8. Deposit account number:

19-2090

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*David A. Farah, M.D.David Farah

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments

**ASSIGNMENT OF RIGHTS**

WHEREAS, I, James F. Teran having an address of 8972 Kittiwake Street, Highlands Ranch, Colorado 80126 (the "Applicant"), have invented certain new and useful improvements disclosed in United States Patent Application 09/982,569, titled "Method for Tenderizing Chicken," filed October 16, 2001 (the "Patent Application"), and whereas I am now the sole owner of that Patent Application; and

WHEREAS Micro-Tender Industries, Inc., a Delaware corporation, together with any successors, legal representatives or assigns (the "Assignee"), having a post office address of 5140 Race Court, Unit 1, Denver, Colorado 80216, wants to acquire the entire right, title and interest in the Patent;

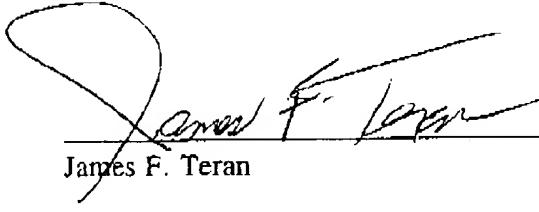
NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over to Assignee the entire right, title and interest in and to said improvements, and said application and all divisions, substitutions, continuations and continuations-in-part thereof, and all applications claiming the benefit of said application, and all United States Letters Patents which may be granted thereon and all reissues and extensions thereof, and all priority rights under the International Convention for the Protection of Industrial Property for every member country, and all applications for patents (including related rights such as utility-model registrations, inventor's certificates, and the like) heretofore or hereafter filed for said improvements in any foreign countries, and all patents (including all extensions, renewals and reissues thereof) granted for said improvements in any foreign countries; and I hereby authorize and request the United States Commissioner of Patents and Trademarks, and any officials of foreign countries whose duty it is to issue patents on applications as aforesaid, to issue all patents for said improvements to Assignee in accordance with the terms of this assignment;

AND I HEREBY covenant that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith;

AND I HEREBY further covenant and agree that I will communicate to Assignee any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, continuations-in-part, substitute and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee to obtain and enforce proper patent

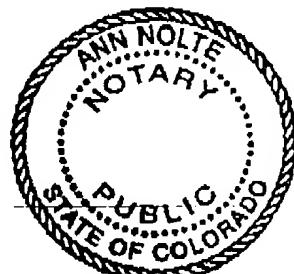
protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand this 7<sup>th</sup> day of  
December, 2001.

  
James F. Teran

STATE OF Colorado )  
                      ) ss.  
COUNTY OF Jefferson

On Dec 4, 2001, before the undersigned, a Notary Public for the State and County aforesaid, personally appeared James F. Teran, known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the above assignment, and acknowledged that he executed the same.

  
Ann Nolte  
(Notary Public)